

Remarks:

Claims 13-17, 19, 20, 22, 24-34, 46-49, 60-62, and 67-74 were pending in the application at the time of issue of the Office Action. Claims 13-17, 19, 20, 22, 24-28, 46-49, 60-62, and 67-74 are canceled herewith without prejudice for purposes of expediting prosecution of claims 29-34, and Applicants reserve the right to prosecute these claims in a continuation application. In response to the Office Action, the applicants offer the following remarks directed to the claims in the order presented.

Rejections under 35 U.S.C. §103

Claims 13-20, 22-34, 62, and 67-70 stand rejected under 35 U.S.C. §103(a) as unpatentable over Navia et al (5,498,709) in combination with Catani et al. (5,977,349). The rejection of claims 13-17, 19, 20, 22, 24-28, 46-49, 60-62, and 67-74 is moot, and the Applicants respectfully traverse the rejection of pending claims 29-34. Claim 29 is amended herewith to clarify that the increased purity precursor stream recited in part (a) therein is purer by virtue of having a lower relative content of related chlorinated materials, as discussed throughout the specification, particularly at paragraphs [0020] and [0087]-[0088], and to provide semantic consistency with dependent claim 30. Claim 30 is amended to clarify that it is crystallized 6-O-acyl-4,1',6'-trichloro-4,1',6'-trideoxygalactosucrose that is converted to sucralose, as supported in paragraph [0019] of the specification. No new matter has been added, and entry of the amendment is respectfully requested.

The Office Action states that the rejection is maintained "for reasons of record". The Applicants respectfully reiterate their observation, noted in their response to the previous Office Action, that no reasons for the rejection of claims 29-34 are in fact of record. None of the three nonfinal Office Actions presents any arguments relating to these claims. The Examiner's only arguments relative to these claims are those provided in the present Office Action, wherein he states that:

"Navia teaches extraction of sucralose form [sic; from] a mixture that contains related chlorinated products and sucralose and further purification by crystallization and that the product can be purified by recrystallization till the desired purity level is reached. Navia, thus teaches a combination of both non-crystallization and crystallization steps and also the recycling of the mother

liquor. Catani teaches chromatographic method for separation of chlorinated sucrose from a mixture, one of which is sucralose. This method of Catani is a non-crystallization purification step. One of ordinary skill in the art will recognize that both references teach the isolation and purification of sucralose from impurities. Hence it would be obvious to one of ordinary skill in the art to combine a non-crystallization step with a crystallization step in a method to purify sucralose from related chlorinated impurities. One of ordinary skill in the art would also know that recycling of the mother liquor as suggested by Navia will also result in extraction of additional sucralose since single extraction is not efficient. The number of recrystallizations performed to increase the purity is a routine process optimization."

The Applicants respectfully traverse this rejection, and note that the Examiner has not shown where either of the cited references teaches performing a non-crystallization extraction step on a feed mixture comprising 6-O-acyl-4,1',6'-trichloro-4,1',6'-trideoxygalactosucrose, other chlorinated sucrose byproducts, and optionally other blocked or partially blocked chlorinated sucrose byproducts to obtain an increased purity sucralose precursor stream containing a reduced amount of chlorinated impurities relative to the precursor (6-O-acyl-4,1',6'-trichloro-4,1',6'-trideoxygalactosucrose), as recited in claim 29. Rather, the Examiner has directed his comments to non-crystallization purification of sucralose, not the precursor. Nor has the Examiner shown where the cited references teach converting the precursor 6-O-acyl-4,1',6'-trichloro-4,1',6'-trideoxygalactosucrose in this increased purity sucralose precursor stream to sucralose, or to crystallizing sucralose prepared in that manner, as also recited in claim 29. Thus, the Office Action does not present prior art providing at least these elements of claim 29, and a *prima facie* case of obviousness has therefore not been presented. Accordingly, the Applicants respectfully request withdrawal of the rejections and early allowance of claims 29-34.

The Examiner is invited to call the applicants' undersigned representative if any further action will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present Response.

Respectfully submitted,



Paul F. Prestia, Reg. No. 23,031
Frank P. Tise, Reg. No. 50,379
Attorney and Agent for Applicants

PFP/FPT/kl

Dated: March 28, 2005

☐ P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

☒ P.O. Box 1596
Wilmington, DE 19899
(302) 778-2600

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop: RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: **March 28, 2005**



Kimberly N. Lane

LMK_I:\TAL\105US\AMEND05.DOC